IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25484 of 2007(H)

AGAINST THE ORDER IN EP.249/1997 IN
OS.105/1984 of MUNSIFF COURT, CHITTUR
.....

PETITIONER:

THARAKKAL RAMAPURAM DEVASWOM, REPRESENTED BY
THE THARAKKAL TEMPLE TRUST MANAGING TRUSTEE
SHRI. T. EASWARAN UNNI, S/O. LATE LAKSHMIKAVU,
WARASSIAR, WARRIER LANE, EDAKKUNNU WARRIATH,
THRISSUR.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:

T.S. BALASUBRAMANYAN,
S/O. SANKUNNI MANNADIAR,
VAZHAKOTTIL, PERUVEMBA, PALAKKAD.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN , J

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W.P.(C) NO. 25484 OF 2007

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Dated this the 21st day of August, 2007.

JUDGMENT

This writ petition is preferred to direct the Munsiff Court, Chittur to issue a certified copy of the order in E.A. No. 260/2007 in E.P. No. 249/1997 in O.S. No. 105/1984 and to stay the further execution of the decree until the writ petitioner gets a copy and pursue his appeal for appellate remedies. It is submitted that the writ petitioner filed a claim petition under Order 21 Rule 97 and along with the same moved an application for stay of the delivery of the property. When a claim is filed it has to be adjudicated as a suit and therefore in order to preserve the property interim orders are generally resorted to. Now the court below has dismissed the stay application and the writ petitioner wants to pursue his further remedies. The claim petition is alive and it is pending. Therefore, I direct the court below to issue the certified copy of the order applied for within a time frame of two weeks and defer the delivery of the property for a period of three weeks from today so as to make the petitioner move for redressal of his grievance against the order passed by the court below.

The writ petition is disposed of accordingly.

The registry is directed to communicate the gist of the order to the learned Munsiff, Chittur over phone.

M.N. KRISHNAN, JUDGE.

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